Secrl. II-27—100,000—21-5-42.

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Revenue (1945 48) Department.

MS SERIES.

G.O. No. 2351

Dated 28-2-48

[Despatch Abstract.]

Prohibition - Opium - The Madras Opium Rules - Revised.

GOVERNMENT OF MADRAS.
Abstract:

PROHIBITIO N - Opium - The Madras Opium Rules - Revised.

Revenue Department.

G. O.Ms.No. 2351. Dated: 29th September 1948.
Read the following:

From the Board of Reve nue, C.R.No.20 876 Abk/48-4, dated the 1st June 1948.

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Order :

The following not ification will be published in the Fort St. George Gazette :

Notification:

In e xercise of the powers conferred by sections 5 and 13 of th e Opium Act, 1878 (Central Act I of 1878) His Excellency the Governor of Madras he reby make, the following rules:--

R U L E S.

Sho r t title, extent and commencement.

1.(1) These rules ma y be called the Madras Opium Rule 1948.

2. They extend to the whole of the Province of Madras other than the partially excluded areas of the Province

(3) T hey shall come into force on the 2nd October 1948. On and from t hat date the Madras Opium Rul es, 1932, published with Revenue Department Notification No . 463 dated the 18th November 1 932 at pages 1856 to 1858 o f Part I of the Fort St. George Gazette date d the 29th No vember 1932, as subsequently amended shall c ease to be in force in the area mentioned in sub rule (2).

Definiti ons:

II. In these rules, unless there is something repugnant in the subject or context-

(1) " the Act" means the Opium Ac t, 1878;

(2) "Collector" means the chief officer in charge of the revenue administration of a district for the time being, and includes any officer specially authorized by the Government or the Commissioner to exercise throughout the Province of Madras or in any specified area therein all or any of the powers of a Collector under these rules:

(3) "Commissioner" means the Commissioner of Prohibition, Madras;

(4) "Government" means the Government of Madras;

(5) "Opium mixture" means any mixture, with or without neutral materials of any of the forms of raw opium as defined in clause (6), but does not include any preparation containing not more than 0.2 per cent of morphine or a manufactured drug as defined in section 2 of the Dangerous Drugs Act, 1930;

(6) "raw opium" means

(i) the capsules of the poppy (Papaver Sommiferum L); and

(ii) the spontaneously coagulated juice of such capsules

/2.

which has not been submitted to any manipulations other than those necessary for packing and transport;

(7) "Tahsildar" includes a Deputy Tahsildar in independent charges;

(8) "Taluk" includes any area of which a Deputy Tahsildar is in independent charge;

Possession:

III. Any person specially licensed in this behalf by the Collector with the sanction of the Commissioner may have in his possession, such quantity of raw opium or opium mixture as may be permitted by the terms of such licence.

IV. Any person may possess under and in accordance with the terms of a ~~li~~ permit granted by a Tahsildar

(a) such quantity of raw opium purchased from a Taluk Office or Deputy Tahsildar's office as is allowed in the permit; and

(b) opium mixture manufactured from raw opium so purchased and possessed in accordance with the rules framed by the Central Government under sub- section (2) of section 5 of the Dangerous Drugs Act, 1930,

Transport:

V. The holder of a licence may transport raw opium or opium mixture in accordance with and subject to the provisions of rules VI to IX.

VI. Raw opium transported from a Taluk Office shall be accompanied by a permit granted by the Tahsildar or in his abeenc from headquarters, by the Taluk Head Accountant or the Head Clerk

VII. The Officer granting a permit under rule VI shall send a copy of it to the Deputy Prohibition officer or the Deputy Superintendent of Police, Prohibition, as the case may be, of the place to which the consignment is transported.

VIII. Every permit granted under rule VI shall be preserved by the holder of the licence for one year after the period covered by the licence.

IX. Any Revenue Officer not below the rank of Revenue Inspector, any Prohibition Officer not below the rank of Sub-Inspector, or any Police Officer not below the rank of a Head-Constable, may at any time examine any consignment of raw opium or opium mixture in transit, If, on such examinations, such officer finds that the quantity of raw opium or opium mixture in transit corresponds to the quantity specified in the permit, the consignment shall be allowed to proceed. Otherwise, the consignment shall be retained pending the orders of the Collector who may -

(a) in respect of any excess or deficiency, charge double the rate payable under rule XIII for raw opium supplied from the Taluk Office; and

(b) on proof of misconduct, cancel the licence of the person concerned.

The cancellation of the licence under clause (b) shall not operate as a bar to the pro secution of the licensee for any offence which may have been committeed against the Act. ,

IMPORT:

X. The import of raw opium or opium mixture is permitted only by or on behalf of the Government. /2.

EXPORT:

XI. Export of raw opium or opium mixture is permitted only under an import authorization granted in accordance with the rules in force in the Province of import and countersigned by the Commissioner.

XII. Rules V to XI shall not be deemed to permit the transmission of raw opium or opium mixture by post.

SALE:

XIII. On prepayment of the issue price at the rate prescribed by the Commissioner, from time to time, by notification in the Fort St. George Gazette, raw opium will be supplied in such quantities as may be prescribed in the licence to holders of licences or to any registered addict, or to any licensed dealer or licensed chemist as defined in the Madras Manufactured Drugs Rules, 1932, at any Taluk office authorized by the Collector to keep raw opium for sale.

LICENCES:

XIV. The Collector may cancel or suspend any licence or permit granted to any person under these rules:

(i) if such person has:--

(a) failed to pay any duty or fee payable by him; or

(b) by himself or by any servant or person acting on his behalf, committed any breach of the conditions of such licence or permit, or of these rules; or

(c) been convicted of any offence against the Act or any law for the time being in force relating to opium revenue or of any criminal offence; or

(ii) if it is a conditions of such licence or permit that it may be cancelled or suspended at the will of the Collector.

XV. (I) If any licensee has in his possession on the expiry or cancellation of his licence any raw opium or opium mixture which he is unable to dispose of to the satisfaction of the Collector, he shall surrender the same to the Collector.

2. (i) The Collector may thereupon require any licensee to purchase at such price as the Collector may fix any quantity of such raw opium or opium mixture not exceeding the quantity which in the opinion of the Collector can ordinarily be made use of by such licensee in two months, provided that the price fixed for raw opium shall not exceed that at which it may be obtained at the Taluk Office. The Collector may likewise require any licensee to purchase any raw opium made over or surrendered to him by a chemist or dealer licensed under the Madras Manufactured Drugs Rules, 1932, if such raw opium is certified to be fit for use by the Chemical Examiner or other officer referred to in sub-rule (1) of rule 36 of those Rules.

The sale proceeds of such raw opium or opium mixture shall be paid to the person whose licence has expired or been cancelled.

(ii) The Collector may cause any such raw opium or opium mixture to be examined by the Civil Surgeon or such other officer as the Commissioner may direct, and if the said Surgeon or officer certifies the raw opium or opium mixture to be unfit for use, the Collector shall cause the same to be destroyed.

(3) (i) When a licence granted to any person under these rules is suspended, such person shall forthwith make over to the Collector all raw opium or opium mixture them in his possession.

(ii) If the licence is subsequently restored, the raw opium or opium mixture so made over shall be returned to such

person.

(ii) If the licence is subsequently restored, the raw opium or opium mixture so made over shall be returned to such person.

(iii) If the licence is subsequently cancelled, the provisions of sub-rule (2) shall apply in respect of such raw opium or opium mixture.

DISPOSAL OF THINGS CONFISCATED:

XVI: (1) Raw opium confiscated under the Act shall be forwarded to the Commissioner for examination. All such raw opium found fit for use shall be transferred to the Madras Taluk Office for issue to licensees registered addicts and the District Treasuries. All other confiscated raw opium shall be immediately destroyed or disposed of in such other manner as the Commissioner may think fit.

(2) Opium mixture confiscated under the Act shall be forwarded to the Commissioner for examination. All such opium mixture found fit for use shall be transferred to the Collector for disposal in the manner prescribed in clause (i) of sub-rule (2) of rule XV. The sale proceeds of such opium mixture shall be credit to the Government. All other confiscated opium mixture shall be destroyed.

(3) All other things confiscated under the Act shall be disposed of by the Collector in such manner as he may thingk fit.

REWARDS TO OFFICERS AND INFORMERS:

XVII. When any Magistrate convicts an offender under section 9 of the Act, or when any Magistrate or other authorised officer orders the confiscation of raw opium or opium mixture under section 12 of the Act, the Commissioner may grant a reqard in such proportions as he may think fit to any officer or officers or informer or informers who have contributed to the seizure of raw opium or opium mixture or the conviction of the ~~officer~~ offender.

The Commissioner may delegate his power under this rule to any subordinate officer.

MISCELLANEOUS:

XVIII. The Commissioner may, consistently with the provisions of the Act, and of these rules, determine from time to time, in cases of licences and permits granted:--

(a) the fees to be charged for such licences or permits and the period for which they shall be issued;
(b) the restrictions and conditions under which and the form in which such licences or permits shall be granted; and
(c) the particulars which such licences or permits shall contain.

All forms prescribed and subdidiary rules made by the Commissioner UNDER THESE RULES SHALL BE PUBLISHED IN THE FORT ST. GEORGE GAZETTE.

XIX. For the purposes of these rules, the Collector shall be deemed to be subordinate to the Commissioner. Any order of the Collector under these rules shall be liable to be modified or cancelled by the Commissioner, either on an ~~app~~ appeal by the party aggrieved or other wise.

EXEMPTION:

XX. Capsules of the poppy (papaver somniferum L). which have been lanced and dried or from which juice has been extracted may be possessed, transported, sold, imported inter-provincially, and exported interprovincially, by any [illegible] out restriction.

/ By Order of His Excellency the Governo

V.K. RAO,
Deputy Secretary to Government.

To:
The Board of Revenue (Excise).
The Collectors of all districts.
The Superintendent, Government Press, for publication of the notification.
The Inspector-General of Police.
The Public (Political) Department.

/ true copy /

S. Jayasankaran
5/6/54
Office Assistant,
MADRAS RECORD OFFICE

rds/

8/6/54

Revenue Department.

Memo. No. 36476 D/48-8 Dated: 29-9-1948.

Prohibition - The Madras Opium Rules, 1948 - Extension to Banganapalle and Pudukkottai.

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The appended notifications will be published in the Fort St. George Gazette. The first notification shall be published in the Kurnool District Gazette to the second notification shall be published in the Tiruchirapalli District Gazette also:

To the Board of Revenue (Excise).
To the Superintendent, Government Press for publication of Notifications.
To Collectors of Kurnool and Tiruchirapalli.
To the Inspector General of Police.
To the Public (Political) Department.-
Copy to the Secretary to the Government of India, Ministry of States. New Delhi.

APPENDIX.

Notifications:

I.

In exercise of the powers conferred by sections 5 and 15 of the Opium Act, 1878 (Central Act I of 1878) as extended to the Banganapalle State and Section 4 of the Extra-Provincial Jurisdiction Act, 1947 (Central Act XLVIII of 1947) read with the Notification of the Government of India in the Ministry of States No. 176-I-B dated the 23rd March 1948 and of all other powers enabling him in this behalf, His Excellency the Givernor of Madras hereby directs that with effect on and from the 2nd October 1948, the Madras Opium Rules, 1948, as for the time being in force, shall apply to the State of Banganapalle as if the said State forms part of the Kurnool District in the Province of Madras.

II.

In exercise of the powers conferred by sections 5 and 13 of the Opium Act, 1878 (Central Act I of 1878) as extended to the Pudukkottai State and section 4 of the Extra-Provincial Jurisdiction Act, 1947(Central Act XLVII of 1947) read with the Notification of the Government of India in the Ministry of States No. 176-I-B dated the 23rd March 1948 and of all other powers enabling him in this behalf and in supersession of the Revenue Department Notification No. 512 dated the 29th June 1948, published at page 592 of Part I of the Fort St. George Gazette, dated the 29th June 1948, His Excellency the Governor of Madras hereby directs that with effect on and from the 2nd October 1938, the Madras Opium, 1948, as for the time being in force the State of Pudukkottai as if the said State forms part of the Tiruchirapalli District in the Province of Madras.

Sd. x x x
25-8-48.

true copy /

Revenue Department.

Memo. No. 36476 D/48-11 Dated: 20-1-1949.

Prohibition - The Madras Opium Rules, 1948 - Amendments -

Read: G.O.No. 2351, Revenue, dated 28-8-48.
From the Board of Revenue, C.R.No. 39240. dated 6-12-48.

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The appended notification will be published in the Fort St. George Gazette:

Sd. x x x
27-12-48.

To the Board of Revenue,(Excise).
To the Collectors of all districts.
To the Superintendent, Government, Press, for publication of tl Notification .

A P P E N D I X.
Notification.

In exercise of the powers conferred by sections 5 and 1: of the Opium Act, 1878 (Central Act I of 1878) His Excellency the Governor of Madras hereby makes the following amendments tc the Madras Opium Rules, 1948, published with Revenue Departmen Notification dated the 28th September 1948, in Part I of the Fort St. George Gazette (Extraordinary) dated the 28th September 1948:--

A M E N D M E N T S.

In the said rules:--

(1) In rule IV for the word ' licence' in the two places where/~~the word~~ it occurs 'permit' shall be substituted;

(2) After rule IV, the following shall be inserted as rul IV-A namely:--

"IV-A. Any person may possess such quantity of opium mixtu as has been at any one time sold for his use in accordance with the provisions of rule XIII A".

(3) after rule VI, the following rule shall be inserted, namely;

VIA. Opium mixture transported by one licencee to anothe licensee another licencee shall be accompanied:--

(a) if the licencees are in the same district, by a permit granted by the Collector of that district; and

(b) if the licencees are in different districts by permits granted by the Collectors of each of those districts";

(4) in rule VII, after the words and figure under rule V the word figure and letter or VI A" shall be inserted;

(5) in rule VIII, after the word and figure "under rule VI" the word figure and letter " or VI A" shall be inserted;

(6) after rule XIII, the following rule shall be inserted, namely:--

XIIIA. The Collector, with the sanction of the Commission may grant a licence to any person for the sale of opium mixture on prescription duly signed by a registered medical practitione in Indian Medicine and subject to such conditions as may be imposed in the licence".

Sd. x x x
27-12-48.

/ true copy /